



Air Pollution Control District  
San Luis Obispo County

December 31, 2014

James Caruso  
San Luis Obispo County Department of Planning & Building  
976 Osos Street, Room 200  
San Luis Obispo, CA 93408-2040

SUBJECT: SLOAPCD Comments Regarding the San Luis Obispo County Renewable Energy Streamlining Program (ED13-196) Draft Environmental Impact Report

Dear Mr. Caruso,

Thank you for including the San Luis Obispo County Air Pollution Control District (SLOCAPCD) in the environmental review process. We have completed our review of the Draft Environmental Impact Report for the above referenced project. The Program will encourage and streamline permitting of certain renewable energy projects in the most suitable locations in the unincorporated area of the county. This will be accomplished through ordinance revisions and associated update to policies. The Program will include development of a new Renewable Energy (RE) Combining designation to identify the locations of the most suitable area for renewable energy development. The Program will also revise related County codes and procedures, including the Williamson Act Rules of Procedure. Additionally, special attention will be given to streamlining the permitting of on-site renewable energy facilities, such as parking lot-covered solar and small wind generators.

*The following are SLOCAPCD comments that are pertinent to this NOP.*

**GENERAL COMMENTS**

As a commenting agency in the California Environmental Quality Act (CEQA) review process the SLOCAPCD assesses air pollution impacts from both the construction and operational emissions with separate significant thresholds for each. **Please address the action items contained in this letter, with special attention to items that are highlighted by bold and underlined text.**

**SPECIFIC COMMENTS**

**CONSTRUCTION PHASE EMISSIONS**

**Page 3.3-21 through 3.3-23**

The DEIR lists SLOCAPCD construction mitigation measures that might be applicable to a project under the Renewable Energy Streamlining Program. In addition to the measures

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listed on pages 3.3-21 through 3.3-2, **the following measures may also be applicable and should be added to this section.**

Construction Permit Requirements

Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or a SLOCAPCD permit. Operational sources may also require SLOCAPCD permits.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the SLOCAPCD's 2012 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers
- Portable generators and equipment with engines that are 50 hp or greater
- Electrical generation plants or the use of standby generator
- Internal combustion engines
- Rock and pavement crushing
- Unconfined abrasive blasting operations
- Tub grinders
- Trommel screens
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc)

**To minimize potential delays, prior to the start of the project, please contact the SLOCAPCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

Demolition of Asbestos Containing Materials

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If building(s) are removed or renovated; or utility an/or underground pipelines are scheduled for removal or relocation, this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include, but are not limited to: 1) written notification, within at least 10 business days of activities commencing, to the SLOCAPCD, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the SLOCAPCD Enforcement Division at (805) 781-5912 for further information.

Developmental Burning

Effective February 25, 2000, **the SLOCAPCD prohibited developmental burning of vegetative material within San Luis Obispo County.** If you have any questions regarding these requirements, contact the SLOCAPCD Enforcement Division at 781-5912.

Hydrocarbon Contaminated Soil

**Should hydrocarbon contaminated soil be encountered during construction activities, the SLOCAPCD must be notified as soon as possible and no later than 48 hours after affected**

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**material is discovered to determine if a SLOCAPCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:**

- Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
- Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH –non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
- Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
- The air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the SLOCAPCD's construction phase thresholds;
- During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and,
- Clean soil must be segregated from contaminated soil.

**The notification and permitting determination requirements shall be directed to the SLOCAPCD Engineering Division at (805) 781-5912.**

Construction Phase Idling Limitations

If the projects will have diesel powered construction activity in close proximity to any sensitive receptor, the project shall implement the following mitigation measures to ensure that public health benefits are realized by reducing toxic risk from diesel emissions:

**To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:**

1. California Diesel Idling Regulations
  - a. **On-road diesel vehicles** shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
    1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
    2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
  - b. **Off-road diesel equipment** shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.

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- c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5 minute idling limit.
- d. The specific requirements and exceptions in the regulations can be reviewed at the following web sites: [www.arb.ca.gov/msprog/truck-idling/2485.pdf](http://www.arb.ca.gov/msprog/truck-idling/2485.pdf) and [www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf](http://www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf).

2. Diesel Idling Restrictions Near Sensitive Receptors

In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:

- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
- c. Use of alternative fueled equipment is recommended; and
- d. Signs that specify the no idling areas must be posted and enforced at the site.

Dust Control

Dust control measures were outlined on page 3.3-14 and 3.3-15. Since water use is a concern due to drought conditions, where possible, the applicant should implement SLOCAPCD's approved dust control measures, other than the use of water, on areas such as roads. If also possible, paving of high-use roads would be extremely beneficial for air quality. To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

Project Decommissioning

It is unclear from the data presented if the emissions associated with the decommissioning of the project are accounted for in the DEIR. Many of the potential actions required as part of the decommissioning efforts could cause air quality emissions (trenching, backfilling, removal of concrete pads etc.). **The emissions from potential decommissioning activities should be estimated and compared against the SLOCAPCD construction thresholds.**

**OPERATIONAL PHASE EMISSIONS**

Operational sources may require SLOCAPCD permits. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the SLOCAPCD's 2012 CEQA Handbook.

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines; and
- Cogeneration facilities.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment. **To minimize potential delays, prior to the start of**



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**the project, please contact the SLOCAPCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

Unpaved Roads and Unpaved Areas

For larger projects, dust associated with unpaved roads could be an issue. If PM thresholds are exceeded on larger projects which include unpaved roads, one of the following should be implemented:

- a. For the life of the project, pave and maintain the operational roads; or,
- b. For the life of the project, maintain the private unpaved operational roads with a dust suppressant (See Technical Appendix 4.3 for a list of SLOCAPCD-approved suppressants) such that fugitive dust emissions do not impact off-site areas and do not exceed the SLOCAPCD 20% opacity limit.

Again, water use is a concern due to its limited supply and need for other uses, such as agriculture. Where at all possible, the applicant should implement SLOCAPCD's approved dust control measures, other than the use of water, on areas such as roads. If also possible, paving of high-use roads would be extremely beneficial for air quality. To improve the dust suppressant's long-term efficacy, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved roads are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less.

Thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-4667.

Sincerely,



Melissa Guise  
Air Quality Specialist

MAG/arr

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December 30, 2014

TO: James Caruso  
Department of Planning and Building  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408

FROM: David Chipping: President, San Luis Obispo Chapter, CNPS  
1530 Bayview Heights Drive  
Los Osos, CA St., 93402

REF: RESP Draft EIR  
Comments from San Luis Obispo Chapter of the California Native Plant Society

From our perspective, the RESP violates the basic principles of CEQA by limiting public participation and the opportunity for review. While fast tracking may be desirable for some small projects, the RESP allows 20 to 40 acre projects to be subject to only a diminished review, based solely on the proximity of the project to the electrical grid. The program, as proposed, draws large circles around these grid entry points so that it essentially encompasses most of the county, and the DEIR makes the unjustified claim that such large units of habitat will, 'in total', have no significant impact.

It appears that the County is trying to do the equivalent of a Natural Community Conservation Plan, where development is facilitated by science-based determination of areas suitable for development and for mitigation. NCCP plans require the lead agency to have a basic knowledge of the consequences of the proposed land use plan, which includes a reasonable botanic evaluation of the entire area encompassed by the plan. However, it is not clear how the County would determine the species that might be found within the projects allowed in each of these circles. We are concerned that the RESP appears to promise greater certainty of outcome to the developer and to limit public review of biological reports.

Regarding the DEIR, several issues require clarification for the Final EIR.

(1) There is no mention of plant species listed under the California Rare Plant Rank (formerly CNPS Listed) that are currently treated under CEQA as being equivalent to plants formally listed under the California and Federal Endangered Species Acts (CESA and FESA.) CNPS assumes that consideration of these species, together with mitigation for any significant impacts to such species, will continue under CEQA as before. CNPS requests that the FEIR affirm that performance standards such as 22.14.100 C will treat California listed species (Lists 1B through List 2) under the same standards as current

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CEQA review. The FEIR document could be strengthened and freed of ambiguity if CNPS 1B listed plants and vegetation communities (i.e. CEQA protected) were explicitly mentioned as full membership in the "special-status" category,. CNPS is concerned that the extensive coverage of Federal regulated taxa in the DEIR and the failure to allocate space to the treatment of species and plant communities covered by CEQA is an issue of balance that must be addressed in the FEIR.

An addition that states "CEQA Review required" to Tier 1-2-3 categories in the (untitled) table at would provide unambiguous clarity that documentation of impacts will be needed to be professionally reviewed and subject to CEQA guidelines.

(2) CNPS is concerned about an apparent conflict between the RESP goal: "The goal of streamlining is to increase the certainty of the permitting process" and the a-priori Statement of Impact 3-3-4 that impacts will be "less than significant" and that no mitigation will be required. If a project proposed under RESP will impact species, one would hope that the County would require redesign and avoidance, or sufficient mitigation, and so it cannot be said that either the program goal would be met or that the Statement 3-3-4 would remain true.

(2) If RESP were to change in any way the ability of interested parties to review submitted biological and botanical project surveys, this change in procedure should be clearly spelled out in the final document. Thus the equivalent ability of comment on a Draft EIR should be maintained in the RESP process.

(3) CNPS understands that qualified botanists must conduct botanical surveys, but would prefer that an applicant to the RESP process not be permitted to choose in-house consultants due to an inherent conflict-of-interest. Under current CEQA conditions a project proponent may submit botanical survey reports, but these are subject to review by an independent CEQA consultant in the EIR process.

(4) In the event that a Tier 1 Solar project is proposed to be subject to RESP by the developer, it is unclear how the County will determine that a project conforms to Proposed LUO 22.32.050.A.3.a. under the requirement that that land was both "previously developed for industrial or commercial purposes and degraded or contaminated and then abandoned or underused". While it is clear what the language intended, it should be clarified that any old and ceased industrial use from past centuries does not qualify the land for inclusion. CNPS suggests adding language to limit to parcels that are currently zoned industrial/commercial and which remain in a degraded condition.

(5) The DEIR uses a lot of space to describe plant communities while failing to list any that would receive special attention. This would be useful if some are identified as being of higher priority for conservation, but no such strategy is identified in the document. Apparently the only protection is given to designated wetlands. The FEIR might better explain how this section on vegetation types is to be used, and also why the designations

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given by the Manual of California Vegetation are not utilized, which is increasingly becoming the industry standard.

(6) The FEIR should discuss how the County can prevent a large project proponent from piecemealing; that is, breaking the project down into a series of smaller projects and then submit each component to the County for approval to avoid a more exhaustive review.

We thank you for this opportunity to comment, a process that we hope will continue under RESP.

David Chipping  
Chapter Conservation Committee

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**Community Development**

919 Palm Street, San Luis Obispo, CA 93401-3249  
805.781.7170  
[slocity.org](http://slocity.org)

December 31, 2014

James Caruso

County of San Luis Obispo, Department of Planning and Building  
976 Osos St., Rm. 200  
San Luis Obispo, CA 93408

**SUBJECT: Comments regarding San Luis Obispo County Renewable Energy Streamlining Program, SCH No. 2014041090 (LRP2014-00015)**

This letter serves as the City of San Luis Obispo's comment letter on the Draft Environmental Impact Report (DEIR) prepared for the San Luis Obispo County Renewable Energy Streamlining Program (RESP) Draft Environmental Impact Report.

The Community Development Department has noted several issue areas which should be addressed. Specifically, the City is concerned aspects of the Renewable Energy Streamlining Program (RESP) could result in adverse scenic resource impacts in the San Luis Obispo area. The RESP and associated County code revisions may also preclude the City's ability to identify and provide comments on renewable energy projects which have the potential to result in adverse effects on scenic resources.

City scenic resource protection policies should be incorporated into the regulatory setting discussion and effects of the RESP project on the City of San Luis Obispo should be included in aesthetic and visual resource impact analysis. The City of San Luis Obispo recently certified the Final Environmental Impact Report (FEIR) for the Land Use and Circulation Element Update Project (LUCE). The LUCE FEIR contains an updated discussion and analysis of the visual setting around San Luis Obispo including scenic corridors, visual landmarks, and scenic roads and vistas. The analysis and discussion in the LUCE Update EIR provides a consolidated and programmatic level discussion which could be readily incorporated into the discussion of the RESP EIR<sup>1</sup>.

The August 2005, City/County Memorandum of Agreement should be considered in the RESP as project review levels are modified from discretionary to ministerial review. The 2005 MOA states that discretionary projects in the Planning Area should be referred to the City of San Luis Obispo. Streamlining proposals in the RESP and associated code revisions would modify certain projects from a discretionary level review to a ministerial level review, and may preclude the City from identifying and commenting on proposals with the potential to have significant scenic resource impacts to the City of San Luis Obispo. As an example, under proposed code revisions in County code section 22.32, review of Tier 1-Tier 3 Solar Electric Facilities (SEF) of up to 160 acres in size could be reviewed as a ministerial permit through the

<sup>1</sup> Section 4.1, Aesthetics, SLO 2035 Land Use and Circulation Element Update Draft Environmental Impact Report. Available at [www.slo2035.com](http://www.slo2035.com)


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site plan review process<sup>2</sup> if within the RE combining designation and consistent with site criteria of Section 22.14.100. Tier 1 Wind Energy Conversion systems mounted on uninhabited structures would have no height limitation and could receive ministerial site plan review. Based on recent discussions with County staff, the City understands a correction will be made for the review level of Tier 2 – (up to 100 foot tall, ground mounted) Wind Energy Conversion Systems (WECS) to require minor use permit review (shown incorrectly as site plan review). Renewable energy projects meeting qualifying criteria would not be eligible for the site plan review if within visual Sensitive Resource Areas, but it is not clear based on mapping provided in the RESP DEIR which areas are designated as visual Sensitive Resource Areas. County Sensitive Resource Area mapping does not coincide with City scenic roads and vistas, scenic corridors, and visual landmarks. It should also be clarified that RE projects in the San Luis Obispo Planning Area reviewed at the minor use permit and conditional use permit level will be referred to the City for review and comment.

The range of potential renewable energy projects, in terms of type, size, and location around the City of San Luis Obispo (and potentially affecting scenic corridors and visual landmarks such as the Irish Hills) could have specific and unique impacts which cannot be fully evaluated and disclosed in the scope of a County-wide Programmatic level EIR; and, therefore should be retained as discretionary level projects subject to further CEQA review at a specific project level. Retaining discretionary level review for projects which have the potential to impact the City of San Luis Obispo would also preserve consistency with the stated intent of the 2005 Memorandum of Agreement for development review coordination.<sup>3</sup>

Thank you for the opportunity to comment on the RESP DEIR. The City is ready to collaborate on the RESP project to identify project modifications and/or mitigation measures that could address impacts to the City.

The City requests to continue to be notified of any upcoming hearings on this project.

Please feel free to contact me if you have any questions or would like to arrange a meeting. I can be contacted by phone at 805-781-7166, or by e-mail: [bleveille@slocity.org](mailto:bleveille@slocity.org)

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Leveille".

Brian Leveille, AICP

Senior Planner

City of San Luis Obispo, Community Development Department

CC: San Luis Obispo City Council  
 Derek Johnson, Community Development Director

<sup>2</sup> County Code Section 22.62.040 identifies site plan review as a ministerial review

<sup>3</sup> Exhibit B of August 2005 Memorandum of Agreement between the City and County of San Luis Obispo





December 18, 2014

James Caruso, Senior Planner  
San Luis Obispo County  
Department of Planning and Building  
976 Osos Street, Room 300  
San Luis Obispo, CA 93408

Delivered via email to: JHolland@co.merced.ca.us

RE: Renewable Energy Streamlining Plan (RESPLAN)

Dear Mr. Caruso:

On behalf of the Defenders of Wildlife (Defenders) and California Chapter of The Nature Conservancy, thank you for the opportunity to comment on the Draft Renewable Energy Streamlining Program (RESPLAN) for San Luis Obispo County. Our organizations are deeply engaged in the statewide discussion of renewable energy facility siting and natural resource conservation.

Defenders is dedicated to protecting all wild animals and plants in their natural communities. To that end, Defenders employs science, public education and participation, media, legislative advocacy, litigation, and proactive on-the-ground solutions in order to prevent the extinction of species, associated loss of biological diversity, habitat alteration, and destruction. As part of that work we produced the *Smart from the Start: Responsible Renewable Energy Development in the Southern San Joaquin Valley*<sup>1</sup> report.

The Nature Conservancy ("Conservancy") is a global, non-profit organization dedicated to the conservation of biodiversity. We seek to achieve our mission through science-based planning and implementation of conservation strategies that provide for the needs of people and nature. The Conservancy has been actively involved in conservation planning and management in San Luis Obispo County, including especially at the Carrizo Plain National Monument where we are a Managing Partner along with the Bureau of Land Management and the California Department of Fish and Wildlife, for the past 30+ years. The Conservancy has also been actively involved in planning for renewable energy within the Western San Joaquin Valley of California. Most recently,

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<sup>1</sup> Defenders of Wildlife, *Smart from the Start: Responsible Renewable Energy Development in the Southern San Joaquin Valley*, [http://www.defenders.org/sites/default/files/publications/smartfromthestartreport12\\_print.pdf](http://www.defenders.org/sites/default/files/publications/smartfromthestartreport12_print.pdf)

## ATTACHMENT 8 - Correspondence

the Conservancy has produced the report, *Western San Joaquin Valley Least Conflict Solar Energy Assessment*<sup>2</sup>. The results of this assessment and accompanying map, which includes eastern San Luis Obispo County, are publicly available on the Conservancy's Science for Conservation website ([link](#)).

As we transition toward a clean energy future, it is imperative for our future and the future of our wild places and wildlife that we strike a balance between addressing the near term impact of industrial-scale solar development with the long-term impacts of climate change on our biological diversity, fish and wildlife habitat, and natural landscapes. To ensure that the proper balance is achieved, we need smart planning for renewable power that avoids and minimizes adverse impacts on wildlife and lands with known high-resource values.

Our organizations strongly support the development of renewable sources of energy to mitigate the increasing threat of climate change. However, if not located, built, and operated responsibly, energy projects can negatively impact biodiversity, harm wildlife and their important habitats, and diminish water resources.

We appreciate and support San Luis Obispo County's (County) efforts to plan for future renewable energy development and to incentivize well sited projects which do not degrade ecosystems, agricultural resources and other environmental resources. We have reviewed the draft RESP and offer the following comments.

### **Tiering**

We support the tiered permitting approach which favors small, localized distributed renewable energy projects. We understand that County Planning Staff is preparing an errata sheet for the RESP and reserve our comments on the specific provisions of the RESP tiers until after the errata sheet is available.

### **Renewable Energy Combining Designation**

We strongly support and advocate for landscape-level planning for renewable energy such as being done in the desert via the Desert Renewable Energy Conservation Plan and as The Conservancy produced in its' *Western San Joaquin Valley Least Conflict Solar Energy Assessment*. The proposed Renewable Energy Combining Districts (RE CD) appear to be primarily designed around the location of substations with capacity available for additional energy generation. The proposed RE CDs show little consideration of environmental constraints that create conflicts with renewable energy development and require arduous permitting and mitigation. By directing renewable energy development to these "preferred" areas for renewable energy development, without incorporating environmental constraints into the evaluation, the County is setting projects up for conflict with existing state and federal environmental regulations, which will negate any project streamlining that is intended to serve as an incentive for siting in these locations. We strongly urge the County to

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<sup>2</sup> Butterfield, H.S., D. Cameron, E. Brand, M. Webb, E. Forsburg, M. Kramer, E. O'Donoghue, and L. Crane. 2013. Western San Joaquin Valley least conflict solar assessment. Unpublished report. The Nature Conservancy, San Francisco, California. 27 pages. [http://scienceforconservation.org/downloads/WSJV\\_Solar\\_Assessment](http://scienceforconservation.org/downloads/WSJV_Solar_Assessment)

## ATTACHMENT 8 - Correspondence

revisit the proposed RE CDs and redesign them to provide more granular direction to development areas which are least impactful to biological, cultural, and agricultural resources. Moving forward without incorporating these constraints into the identification of RE CDs is likely to result in highly contentious projects located in environmentally sensitive lands.

### Performance Based Streamlining

Performance based streamlining is a meaningful tool to incentivize well sited, well designed projects and we support its use in the RESP. Unfortunately, due to the overly broad, and largely indiscriminate extent of the proposed RE CDs we expect that the majority of projects located within the RE CDs will not qualify for streamlining. This in turn results in little incentive for renewable energy developers to proactively site and design projects which avoid or minimize impacts to high value biological, agricultural, and cultural resources. To achieve performance based streamlining, we recommend that the County refine the RE CDs to provide greater assurances to developers that their projects will move forward quickly in these areas.

### Conclusion

Thank you for the opportunity to submit these comments. We support the County's efforts to engage in thoughtful planning for renewable energy and strongly encourage the County to revisit the criteria and design of the proposed Renewable Energy Combining Districts. Please include each of our groups on the notification list for the RESP. If you have any questions, please contact Kate Kelly at (530) 902-1615 or via email at [kate@kgconsulting.net](mailto:kate@kgconsulting.net) or Scott Butterfield at (707) 266-2003 or via email at [scott\\_butterfield@tnc.org](mailto:scott_butterfield@tnc.org).

Respectfully submitted,



Kate Kelly  
Energy and Land Use Consultant  
Defenders of Wildlife



Laura Crane  
Director, California Renewable Energy Initiative  
The Nature Conservancy

Cc

Pablo S. Gutierrez, CA Energy Commission





**Fw: Comments from Eric Greening on the Renewable Energy Streamlining Program DEIR**

**James Caruso** to: Mike Wulkan

12/26/2014 10:22 AM

History: This message has been forwarded.

James Caruso  
San Luis Obispo County  
Department of Planning and Building  
Senior Planner  
(805) 781-5702  
[www.sloplanning.org](http://www.sloplanning.org)

----- Forwarded by James Caruso/Planning/COSLO on 12/26/2014 10:22 AM -----

From: elquadrillo@charter.net  
To: jcaruso@co.slo.ca.us  
Date: 12/26/2014 08:15 AM  
Subject: Comments from Eric Greening on the Renewable Energy Streamlining Program DEIR

Dear Mr. Caruso,

Thank you for the opportunity to comment on this document! Unfortunately, I have major concerns about it, and don't think it can be certified in its present form, or that the needed overriding considerations can be found. My main issues have to do with Agricultural Resources and Biological Resources, and with a state Renewable Energy Standard that makes the assumptions underlying overriding considerations tenuous at best.

Class I impacts are admitted for Agricultural Resources with the impact of the conversion of agricultural soils to non-agricultural uses. I would point out that pre-empting productive agricultural land for solar production actually pre-empts the solar production that is agriculture! Plants, by photosynthesizing, make solar energy available for the use of humans and other creatures, and that specific form of solar production should not be lightly tossed aside!!

I don't believe Class I impacts can be avoided for an impact that the DEIR wrongly claims won't rise to that level: "Implementation of the proposed program could conflict with existing zoning for agricultural use or with the Williamson Act Program." I would ask that the staff reports and minutes for the relevant meetings of the SLO County Ag Preserve Review Committee, both those that have already occurred and those that take up the issue in the future prior to the issuance of a Final EIR on the RESP, be included in the record of this EIR, and responded to therein. The meeting of July 14th, 2014 is particularly enlightening. The minutes reflect that Terry Wahler promised that the changes to our County's Rules of Procedure would have their own environmental review. When I inquired as to the status of that review, I was told by Kami Griffin that, in fact, the environmental review of those changes is simply incorporated into this DEIR on the RESP. If that is the case, where is the needed analysis? Have any other counties in California implemented a similar program on which Williamson Act lands are eligible for streamlined conversion to non-photosynthesis energy production? If so, what is their track record? If not, are we the first county to do this, and how can we be sure the impacts won't rise to the level of Class I? Where is the inventory of specific parcels appropriate for this conversion? If there is to be no further CEQA review thereon, I see no evidence that the needed CEQA review of the site-specific impacts to agricultural resources, and to the county-wide viability of our

Willimason Act program, exists herein. Given the long time-frame for non-renewal, would contract cancellation be employed to streamline the conversion to non-photosynthesis energy production, and, if so, what would be the impact of these cancellation dominoes falling one after another?

Relative to Biological Impacts, I question the avoidance of Class I impacts claimed for: "Implementation of the proposed program could result in the loss of habitat for unique and special status species" and "Implementation of the proposed program could reduce the extent, diversity, or quality of native vegetation or other important resources." I fail to see how the public can be assured that these impacts will be kept insignificant.

On Page 3.4-34, the DEIR states: "Parcels intended for inclusion in the combining designation were screened to ensure there were no conservation easements or existing or intended biological conservation areas." Where is the evidence of this site-specific screening, or the record thereof? Where are the non-eligible parcels mapped? The maps in the DEIR seem to show even such obvious non-eligible areas as a slice of the Carrizo Plains National Monument as being within the combining designation.

On Page 3.4-35, the DEIR states: "The expectation of the RESP is that adherence to the proposed performance standards in the LUO will ensure the impacts to biological resources will be less than significant. Those projects that could have significant impacts to biological resources are required to obtain approval through the minor or conditional use process. The permit process requires site-specific biological reports that may result in mitigation measures specific to the projects."

If these mitigation measures are anything other than flat-out avoidance, their effectiveness is speculative. At what point would the public have access to the biological reports, and, if they are not part of a CEQA process, how would the public be able to respond to reports or proposed mitigations that raised questions. What resources exist within the County to insure mitigation monitoring and the effectiveness of the mitigations, over time, at keeping biological impacts insignificant? We are talking about conversion of significant areas from natural vegetation and wildlife habitat to industrial uses; other than avoidance, what mitigation can offer ASSURANCE, on every site, of keeping impacts insignificant such that Class I impacts need not be considered at the present time?

What is the justification for exempting the San Joaquin Kit Fox Recovery Area from even the minimal level of attention given other listed species habitat?

I do not believe overriding considerations can be found for this project because the projects done pursuant to this program will not likely reduce greenhouse gas emissions or meet the larger goal of containing climate change. This is because the California Renewable Energy Standard does not require the subtraction of impacts; it is an ADDITIVE standard.

Renewable projects do not replace non-renewable projects, but are in addition to existing ones, and allow for the creation of further ones so long as 1/3 of our electricity is renewably generated by 2020. In other words, the massive deployment of industrial-scale renewable energy facilities could actually spawn an expansion of non-renewable (fossil-fueled) energy production, at a 2-1 ratio favoring the non-renewable emitters.

This program and the analysis of its impacts require a huge amount of rethought !!

Many thanks,

Eric Greening



**Fw: Sierra Club comment on RESP EIR**

**James Caruso** to: Mike Wulkan

12/26/2014 10:22 AM

History:

This message has been forwarded.

James Caruso  
San Luis Obispo County  
Department of Planning and Building  
Senior Planner  
(805) 781-5702  
www.sloplanning.org

----- Forwarded by James Caruso/Planning/COSLO on 12/26/2014 10:22 AM -----

From: "Santa Lucia Chapter of the Sierra Club" <sierraclub8@gmail.com>  
To: <jcaruso@co.slo.ca.us>  
Date: 12/23/2014 03:33 PM  
Subject: Sierra Club comment on RESP EIR

Dear James,

We congratulate the County for creating a Renewable Energy Streamlining Program and appreciate the effort to find the appropriate balance between the commendable goal of increasing the proportion of local, distributed renewable energy generation and protecting agricultural and natural resources.

To that end, we support the Ag Preserve Review Committee's amendments proposing to limit to 20 acres those Tier 3 REF Projects that can be approved on a Site Plan Review. A facility of up to 10 acres could be processed ministerially, and facilities over 20 acres should require a Minor Use Permit.

We believe this strikes the right balance between the need to streamline the permitting process for distributed renewable energy projects and the need to protect the county's agricultural and environmental resources.

Thank you for this opportunity to comment,

Andrew Christie, Director  
Santa Lucia Chapter of the Sierra Club  
P.O. Box 15755  
San Luis Obispo, CA 93406  
(805) 543-8717